

Pinellas County

*315 Court Street
Clearwater, FL 33756*



Minutes - Final

Tuesday, February 28, 2023

2:00 P.M.

**Hybrid In-Person and Virtual Regular Meeting
Public Hearings at 6:00 P.M.**

Board of County Commissioners

*Janet C. Long, Chair
Kathleen Peters, Vice-Chair
Dave Eggers
Rene Flowers
Charlie Justice
Chris Latvala
Brian Scott*

ROLL CALL - 2:01 P.M.

Present: 7 - Charlie Justice, Chair Janet C. Long, Dave Eggers, Vice-Chair Kathleen Peters, Rene Flowers, Chris Latvala, and Brian Scott

INVOCATION**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. African American History Month Proclamation:
Pinellas County African American History Museum at the Curtis
- Sandra W. Rooks, Executive Director
- Loretta Hunter, Board Member
Rose Cemetery
- Katie May Taylor, Board President, Rose Association
Special Angels Investments
- Dr. Shannon Peck-Bartle, Board President and Curriculum Consultant, Special Angels Investments

Chair Long read a proclamation recognizing the month of February 2023 as African American History Month. She provided information about the African American History Museum and acknowledged that Rose Cemetery is the largest intact African American cemetery in Pinellas County dating back to the 1890's; whereupon, Mses. Rooks, Hunter, Taylor, and Peck-Bartle provided brief comments.

2. Government Finance Professionals Week Proclamation:
- Ken Burke, Clerk of the Circuit Court and Comptroller
and staff from the Clerk's Office
- Chris Rose, Director, Office of Management and Budget (OMB)
and staff from OMB

Chair Long read a proclamation recognizing the week of March 20 through 24, 2023, as the Government Finance Professionals week and noted the distinguished awards earned by the County's finance professional staff for ensuring transparency and accountability of the government; whereupon, Mr. Burke introduced his staff and remarked on the cooperative relationship between the Clerk's Office, Constitutional Officers, the County Administrator, and the Office of Management and Budget.

3. Partner Presentation:

Kathryn Driver, Executive Director, Housing Finance Authority of Pinellas County

Referring to a PowerPoint presentation, Ms. Driver provided information regarding the background, role and mission, local partnerships, funding, programs, and projects of the Housing Finance Authority.

A motion was made by Commissioner Eggers, seconded by Commissioner Justice, that the item be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Justice, Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Absent: 1 - Vice-Chair Peters

CITIZENS TO BE HEARD**4. Citizens To Be Heard - Public Comment.**

Todd Pressman, St. Petersburg
Renee Rivard, Cortez
Anne Marie Cancio, Tampa
Myriam Parham, Dade City
David Lee, St. Petersburg
David Ballard Geddis Jr., Palm Harbor
Mack Johnson, Largo
Margaret Keefe, Gulfport
Johann Bedingfield, St. Petersburg
Elyshah Jennings, St. Petersburg
Alan Perry, St. Petersburg
Jaime Simpson, St. Petersburg
Eddie Maultsby, St. Petersburg
Janice Kant, St. Petersburg
Akile Anai, St. Petersburg
Susan Holl, St. Petersburg
Barbara McNeill, St. Petersburg
Greg Pound, Largo
Laura Pennington, Tampa
Elizabeth Olson, Palm Harbor
Kitty Reilly, St. Petersburg
Sunje Schwarz, Holiday
Consuelo Mackey, St. Petersburg
Sandra Forrest, St. Petersburg

In response to queries by the members regarding allowing RVs in manufactured home parks, Mr. Burton related that multiple departments are reviewing the different facets of the request and will report back to the BCC with recommendations.

Deviating from the agenda and responding to a query by Chair Long, County Attorney White provided information regarding a policy established by the BCC, consistent with Florida law, regarding zoom participation by the Commissioners.

Commissioner Eggers made a motion, seconded by Commissioner Latvala, that the Board allow Commissioner Peters to participate virtually. The motion carried by the following vote:

Aye: 6 - Commissioner Justice, Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Absent: 1 - Vice-Chair Peters

CONSENT AGENDA - Items 5 through 14 (Item No. 11 addressed under Regular Agenda)

A motion was made by Commissioner Flowers, seconded by Commissioner Scott, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

- 5. Minutes of the regular meeting held January 17, 2023.

The item was approved as part of the Consent Agenda.

- 6. Vouchers and bills paid from January 22 through February 4, 2023.

Period January 22 - 28, 2023

Accounts Payable - \$16,518,301.60

Payroll - None

Period January 29 - February 4, 2023

Accounts Payable - \$61,941,621.51

Payroll - \$4,334,095.30

The item was approved as part of the Consent Agenda.

Reports received for filing:

- 7. Dock Fee Report for the month of January 2023.

The item was approved as part of the Consent Agenda.

Miscellaneous items received for filing:

8. Intergovernmental Cooperative Agreement for the City of St. Pete Beach for the purpose of providing insurance through Public Risk Management of Florida, together with an Affidavit of Authenticity.

The item was approved as part of the Consent Agenda.

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

9. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending February 10, 2023.

The item was approved as part of the Consent Agenda.

Public Works

10. Ranking of firms and agreement with Aptim Environmental & Infrastructure, LLC for coastal management environmental consulting services.

(Contract No. 22-0612-CN) Ranking of firms and agreement approved for an upset limit of \$1,250,000.00 over a five-year term. This contract replaces Contract No. 167-0486-CN.

The item was approved as part of the Consent Agenda.

12. Ranking of firms and agreement with Cumbey & Fair, Inc. for professional engineering design services for the Pinellas Trail South Gap Phase I from Ulmerton Road to Haines Bayshore Road.

(Contract No. 22-0372-NC) Ranking of firms and agreement approved in the total amount of \$1,520,774.33 for a term of 1,096 calendar days from the notice to proceed date.

The item was approved as part of the Consent Agenda.

Solid Waste

13. Award of bid to Poole & Kent Company of Florida for Industrial Waste Treatment Facility Clarifier System Phase 2.

Contract No. 23-0028-ITB awarded in the amount of \$8,463,633.00. All work to be completed within 365 consecutive calendar days.

The item was approved as part of the Consent Agenda.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Housing Finance Authority

14. Housing Finance Authority of Pinellas County: 2022 Annual Report.

The item was approved as part of the Consent Agenda.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Public Works

11. Ranking of firms and agreements with the six highest ranked firms to provide contingency disaster debris collection and removal services on behalf of the Public Works Department and municipal partners.

(Contract No. 22-0617-P) Ranking of firms and agreements with each of the six highest-ranked firms approved in the amount not to exceed \$553,258,530.00 collectively for the duration of the 60-month contract. This contract replaces the current contract expiring on March 31, 2023.

- AsBritt, Inc.
- CrowderGulf, LLC
- DRC Emergency Services, LLC
- Phillips & Jordan, Inc.
- Southern Disaster Recovery
- TFR Enterprises, Inc.

Responding to concerns by Commissioner Peters regarding selecting low-bidding firms and ensuring compliance of the contracts with Florida Senate Bill 250, Deputy County Administrator Jill Silverboard recommended that the proposed contracts be approved in order to have service coverage in case of an emergency event, as the current contracts are expiring in March, and County Attorney White noted that a "termination for convenience" clause is included in the contracts.

Public Works Department Director Paul Dean provided information regarding the candidate review process, indicating that having agreements with six firms would provide options for the County and the partnering municipalities; and that no issues have been found with the selected low bidders.

A motion was made by Vice-Chair Peters, seconded by Commissioner Eggers, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

COUNTY ADMINISTRATOR DEPARTMENTS

Human Services

15. Award acceptance and agreements with service providers for the Edward Byrne Memorial Justice Assistance Grant Countywide.

Award acceptance and agreements with four nonprofit agencies, as listed in the Staff Report, approved for grant funding to support six projects in an amount not to exceed \$237,081.00. Five of the projects will be administered by the County's Human Services Department in a combined total amount of \$196,208.00, and one project will be administered by the City of Tarpon Springs in a total amount of \$40,873.00. No County match is required.

A motion was made by Commissioner Eggers, seconded by Commissioner Justice, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

COUNTY ATTORNEY

16. Arbitration determination in the case of Pepper Contracting Services, Inc. v. Pinellas County; Circuit Civil Case No. 19-004542-CI.

Arbitration determination approved.

A motion was made by Commissioner Flowers, seconded by Commissioner Latvala, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

17. Proposed initiation of litigation in the case of Pinellas County v. Susan H. Caldwell - action for injunctive relief.

Initiation of litigation approved.

A motion was made by Commissioner Scott, seconded by Commissioner Flowers, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

18. Proposed initiation of litigation in the case of Pinellas County v. Matthew Scott Tyczkowski and Shieva Zandi - action for injunctive relief.

Initiation of litigation approved.

A motion was made by Commissioner Scott, seconded by Commissioner Flowers, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

19. Proposed ratification of certain participation agreements and assignments in opioid settlements pursuant to the Florida Plan.

Actions taken by the County Administrator, as delegated by the Board, ratified.

County Attorney White provided information regarding the item.

A motion was made by Commissioner Flowers, seconded by Commissioner Latvala, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

20. Proposed settlement in the case of Jody Vance v. Pinellas County; Circuit Civil Case No. 19-008495-CI-15.

Settlement approved in accordance with the confidential memorandum dated February 28, 2023.

A motion was made by Commissioner Flowers, seconded by Commissioner Scott, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

21. County Attorney Reports.

Conflict waiver request

Referring to a conflict waiver request provided to the members at the last BCC work session, County Attorney White explained that a law firm seeking the waiver will be representing the County, as well as its contractor, in an action pertaining to alleged damage to a residential home caused by the contractor; and that the contractor would handle the defense and indemnify the County. She noted that no conflict is evident at this time and recommended approval of the waiver.

A motion was made by Commissioner Scott, seconded by Commissioner Flowers, that the conflict waiver be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Public hearing notice process

County Attorney White recommended that public hearings no longer be continued to a date certain without being re-advertised, in light of recent negative Florida case law related to the matter and current lack of a legislative fix allowing the long-standing practice. She indicated that her office will coordinate with staff working on public hearing matters in order to re-advertise any cases needing continuance.

COUNTY ADMINISTRATOR

22. County Administrator Reports.Tampa Bay Rays and City of St. Petersburg project budget update

Mr. Burton indicated that he will be establishing a project budget based on continuing discussions with the Tampa Bay Rays and the City.

2022 County Commission accomplishment report

Mr. Burton presented the Commissioners with the reports and provided an overview of the County's accomplishments, including rolling back property taxes, improving roads and sidewalks, expanding the Pinellas Trail, helping with affordable housing, supporting behavioral health through various initiatives, welcoming over 15 million tourists, and more; whereupon, a video was played highlighting the numerous accomplishments.

Teaching at St. Petersburg College

Mr. Burton requested the Board's agreement to him teaching a college course in the fall, noting that Deputy County Administrator Jill Silverboard will co-teach to account for any timing conflicts.

A motion was made by Commissioner Eggers, seconded by Commissioner Flowers, to allow Mr. Burton to teach a class at St. Petersburg College. The motion carried by the following vote:

Aye: 6 - Commissioner Justice, Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Absent: 1 - Vice-Chair Peters

Upcoming vacation

Mr. Burton related that Ms. Silverboard will be his back-up during his upcoming vacation.

COUNTY COMMISSION

23. 2023 Federal Legislative Program.

A motion was made by Commissioner Justice, seconded by Commissioner Flowers, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

24. Appointment to the Feather Sound Community Services District, Inc. (Individual appointment by Commissioner Latvala).

Kevin Chambers appointed for a one-year term beginning January 1, 2023.

A motion was made by Commissioner Scott, seconded by Commissioner Eggers, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Calvin H. Warren appointed for a one-year term beginning January 1, 2023.

Commissioner Eggers noted that his current appointee Nick Pfeifer is stepping down; and that he is nominating Calvin Warren as his new appointee.

A motion was made by Commissioner Justice, seconded by Commissioner Latvala, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

25. Appointments to the Suncoast Health Council (Board of County Commissioners as a whole).

Eric Smith reappointed to a Health Care Provider position and Nadine Nickeson reappointed to a Health Care Consumer position for a four-year term beginning April 1, 2023.

A motion was made by Commissioner Justice, seconded by Commissioner Flowers, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

26. Appointment to the Local Planning Agency (Board of County Commissioners as a whole).

James Everett appointed as an alternate for a four-year term beginning March 11, 2023, following a ballot vote.

27. Appointments to the Pinellas County Health Facilities Authority (Board of County Commissioners as a whole).

Julian Riley appointed and Nancy Ridenour, Denise Mineo, and Kevin Donoghue reappointed to serve a four-year term beginning March 12, 2023.

A motion was made by Commissioner Justice, seconded by Commissioner Flowers, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

28. Appointment to the Pinellas County Housing Finance Authority (Board of County Commissioners as a whole).

Paul Burroughs reappointed for a four-year term beginning February 26, 2023 following a ballot vote.

A motion was made by Commissioner Flowers, seconded by Commissioner Latvala, that the item be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Justice, Chair Long, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

29. County Commission New Business: Pertinent and Timely Committee/Board Updates, Policy Considerations, Administrative/Procedural Considerations, and other New Business.

The members provided updates regarding their assigned boards and committees and commented on various topics, as follows:

Commissioner Latvala

- Welcoming back the Toronto Blue Jays and the Philadelphia Phillies for spring training

Commissioner Eggers

- Gladys Douglas Preserve grand opening
- Letter of support to the state legislative delegation on behalf of the BCC to rename a portion of Alternate U.S. 19 after late Army Spc. Zack Shannon

Commissioner Justice

- Inaugural Lealman Honey & Arts Festival

Commissioner Flowers

- CareerSource Pinellas
- Health, radio, and legal assistance organizations and resources available in St. Petersburg

Commissioner Scott

- Lealman Awards luncheon
- Public concerns regarding electric bicycles on trails
- Complaints from residents about noise levels caused by late night airline flights at St. Pete-Clearwater International Airport

Commissioner Long

- New indigenous art exhibit at the James Museum of Western & Wildlife Art
- Throwing the first pitch at the 2023 Clearwater Softball Invitational
- Inaugural Lealman Honey & Arts Festival
- Pinellas African American Heritage Celebration at Heritage Village
- The Shores Apartments affordable housing complex grand opening
- Meeting with beach community mayors regarding beach renourishment
- St. Petersburg Economic Development annual meeting
- Tampa Bay Regional Planning Council Resiliency Leadership Summit
- Seminole Chamber of Commerce Awards Dinner

Commissioner Peters

- BMX Florida State Championship Races
- Philadelphia Phillies opening game

Meeting Recessed: 4:54 P.M.

Meeting Reconvened: 6:02 P.M.

6:00PM

Deviating from the agenda, Commissioner Latvala indicated that Commissioner Long was not present.

A motion was made by Commissioner Latvala, seconded by Commissioner Scott, that Commissioner Eggers continue the meeting as acting Chair in the absence of Chair Long. The motion carried by the following vote:

Aye: 5 - Commissioner Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Absent: 2 - Chair Long, and Vice-Chair Peters

PUBLIC HEARINGS

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

- 30.** Case No. CW 23-02 - Pinellas County
Countywide Plan Map amendment from Public/Semi-Public to Residential Rural, regarding 4.29 acres more or less, located at 2669 St. Andrews Boulevard.

Ordinance No. 23-2 adopted approving Case No. CW 23-02. Forward Pinellas, in its role as Pinellas Planning Council, recommended approval of the amendment, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

A motion was made by Commissioner Scott, seconded by Commissioner Flowers, that the item be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Justice, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Absent: 1 - Chair Long

Industrial Development Authority

- 31.** Tax Equity Fiscal Responsibility Act Resolution for the issuance by the Pinellas County Industrial Development Authority, d/b/a the Pinellas County Economic Development Authority, of its Industrial Development Revenue Bonds, in an aggregate principal amount of not to exceed \$10,000,000.00, on behalf of Racetrack 430, LLC. (Companion to Item No. 32)

Resolution No. 23-14 adopted approving the issuance of bonds pursuant to Section 147(f) of the Internal Revenue Code of 1986. No correspondence has been received. No citizens appeared to be heard.

Attorney White explained that while the item is listed on the agenda under the Industrial Development Authority, the Board is actually acting in the capacity of the BCC; and that the Board will act as the Industrial Development Authority for companion item 32; whereupon, Mr. Burton noted that the items were properly screened to verify that there is no obligation to the County.

A motion was made by Commissioner Flowers, seconded by Commissioner Scott, that the item be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Justice, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Absent: 1 - Chair Long

32. Resolution for the issuance by the Pinellas County Industrial Development Authority, d/b/a

the Pinellas County Economic Development Authority, of its Industrial Development Revenue Bonds, in an aggregate principal amount not to exceed \$10,000,000.00, on behalf of Racetrack 430, LLC. (Companion to Item No. 31)

Resolution No. 23-15 adopted approving the issuance of bonds. No correspondence has been received. No citizens appeared to be heard.

A motion was made by Commissioner Flowers, seconded by Commissioner Scott, that the item be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Justice, Commissioner Eggers, Vice-Chair Peters, Commissioner Flowers, Commissioner Latvala, and Commissioner Scott

Absent: 1 - Chair Long

ADJOURNMENT - 6:06 P.M.



Janet C. Long
Chair

ATTEST: KEN BURKE, CLERK

By: *Dee Lynn Lewis*
Deputy Clerk